

**IN THE CIRCUIT COURT OF SMITH COUNTY, MISSISSIPPI**

**CHARLENE PRUITT, Individually and  
On behalf of the wrongful death heirs of  
Martha Ruth Nixon, deceased**

**PLAINTIFF**

**VS.**

**NO.2012-304**

**INVACARE CORPORATION,  
ABC, AND DEF**

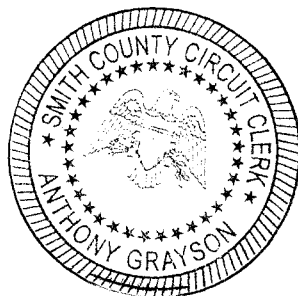
**DEFENDANT**

**CERTIFICATE OF CLERK**

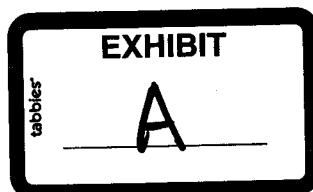
THE ATTACHED PLEADINGS ARE CERTIFIED TRUE AND CORRECT  
COPIES OF THE COMPLETE FILE IN THE OFFICE OF THE OF THE SMITH  
COUNTY CIRCUIT COURT IN THE ABOVE CAPTIONED MATTER.

**GIVEN UNDER MY HAND AND SEAL, this the 15<sup>TH</sup> DAY OF  
FEBRUARY, 2013**

ANTHONY GRAYSON, CIRCUIT CLERK



BY: Sherie Hester, DC  
DEPUTY CLERK



**COVER SHEET****Civil Case Filing Form**(To be completed by Attorney/Party  
Prior to Filing of Pleading)

Court Identification Docket #

Case Year

Docket Number

65 21

2012

304

County # Judicial Court ID  
District (CH, CI, CO)

31

Local Docket ID

102612

Month Date Year

This area to be completed by clerk

Case Number if filed prior to 1/1/94

Mississippi Supreme Court

Form AOC/01

Administrative Office of Courts

(Rev 2009)

In the CIRCUIT

Court of SMITH

County —

Judicial District

**Origin of Suit (Place an "X" in one box only)**

- ☒ Initial Filing ☐ Reinstated ☐ Foreign Judgment Enrolled ☐ Transfer from Other court ☐ Other  
☐ Remanded ☐ Reopened ☐ Joining Suit/Action ☐ Appeal

**Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form**

Individual PRUITT

CHARLENE

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
 Estate of \_\_\_\_\_

Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:  
 D/B/A or Agency \_\_\_\_\_

**Business**

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:  
 D/B/A \_\_\_\_\_

Address of Plaintiff 234 CR 9, BAY SPRINGS, MS 39442

Attorney (Name &amp; Address) CRYMES M. PITTMAN, POST OFFICE BOX 22985, JACKSON, MS 39225-29

MS Bar No. 99225

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing:

**Defendant - Name of Defendant - Enter Additional Defendants on Separate Form**

Individual

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
 Estate of \_\_\_\_\_

Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:  
 D/B/A or Agency \_\_\_\_\_

**Business INVACARE CORPORATION**

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:  
 D/B/A \_\_\_\_\_

Attorney (Name &amp; Address) - If Known

MS Bar No.

**Damages Sought:** Compensatory \$ \_\_\_\_\_ Punitive \$ \_\_\_\_\_ Check (x) if child support is contemplated as an issue in this suit.\*

\*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

**Nature of Suit (Place an "X" in one box only)**

- Domestic Relations**
- ☐ Child Custody/Visitation  
☐ Child Support  
☐ Contempt  
☐ Divorce: Fault  
☐ Divorce: Irreconcilable Diff.  
☐ Domestic Abuse  
☐ Emancipation  
☐ Modification  
☐ Paternity  
☐ Property Division  
☐ Separate Maintenance  
☐ Termination of Parental Rights  
☐ UIFSA (eff 7/1/97; formerly URESA)  
☐ Other \_\_\_\_\_
- Appeals**
- ☐ Administrative Agency  
☐ County Court  
☐ Hardship Petition (Driver License)  
☐ Justice Court  
☐ MS Dept Employment Security  
☐ Worker's Compensation  
☐ Other \_\_\_\_\_

- Business/Commercial**
- ☐ Accounting (Business)  
☐ Business Dissolution  
☐ Debt Collection  
☐ Employment  
☐ Foreign Judgment  
☐ Garnishment  
☐ Replevin  
☐ Other \_\_\_\_\_
- Probate**
- ☐ Accounting (Probate)  
☐ Birth Certificate Correction  
☐ Commitment  
☐ Conservatorship  
☐ Guardianship  
☐ Heirship  
☐ Intestate Estate  
☐ Minor's Settlement  
☐ Muniment of Title  
☐ Name Change  
☐ Testate Estate  
☐ Will Contest  
☐ Other \_\_\_\_\_

- Children/Minors - Non-Domestic**
- ☐ Adoption - Contested  
☐ Adoption - Uncontested  
☐ Consent to Abortion Minor  
☐ Removal of Minority  
☐ Other \_\_\_\_\_
- Civil Rights**
- ☐ Elections  
☐ Expungement  
☐ Habeas Corpus  
☐ Post Conviction Relief/Prisoner  
☐ Other \_\_\_\_\_
- Contract**
- ☐ Breach of Contract  
☐ Installment Contract  
☐ Insurance  
☐ Specific Performance  
☐ Other \_\_\_\_\_
- Statutes/Rules**
- ☐ Bond Validation  
☐ Civil Forfeiture  
☐ Declaratory Judgment  
☐ Injunction or Restraining Order  
☐ Other \_\_\_\_\_

- Real Property**
- ☐ Adverse Possession  
☐ Ejectment  
☐ Eminent Domain  
☐ Eviction  
☐ Judicial Foreclosure  
☐ Lien Assertion  
☐ Partition  
☐ Tax Sale: Confirm/Cancel  
☐ Title Boundary or Easement  
☐ Other \_\_\_\_\_
- Torts**
- ☐ Bad Faith  
☐ Fraud  
☐ Loss of Consortium  
☐ Malpractice - Legal  
☐ Malpractice - Medical  
☐ Mass Tort  
☐ Negligence - General  
☐ Negligence - Motor Vehicle  
☒ Product Liability  
☐ Subrogation  
☐ Wrongful Death  
☐ Other \_\_\_\_\_

**FILED**  
 OCT 26 2012  
 SMITH CO. CIRCUIT CLERK

IN THE CIRCUIT COURT OF SMITH COUNTY, MISSISSIPPI

JUDICIAL DISTRICT, CITY OF \_\_\_\_\_

Docket No. \_\_\_\_\_  
File Yr \_\_\_\_\_ Chronological No. \_\_\_\_\_ Clerk's Local ID \_\_\_\_\_Docket No. If Filed  
Prior to 1/1/94 \_\_\_\_\_**DEFENDANTS IN REFERENCED CAUSE - Page 1 of \_\_\_\_\_ Defendants Pages  
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET****Defendant #2:****Individual:** \_\_\_\_\_  
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

\_\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** ABC

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

ATTORNEY FOR THIS DEFENDANT: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_\_\_ Not an Attorney(✓) \_\_\_\_\_

**Defendant #3:****Individual:** \_\_\_\_\_  
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

\_\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** DEF

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

ATTORNEY FOR THIS DEFENDANT: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_\_\_ Not an Attorney(✓) \_\_\_\_\_

**Defendant #4:****Individual:** \_\_\_\_\_  
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

\_\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A \_\_\_\_\_

ATTORNEY FOR THIS DEFENDANT: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_\_\_ Not an Attorney(✓) \_\_\_\_\_

IN THE CIRCUIT COURT OF SMITH COUNTY, MISSISSIPPI

CHARLENE PRUITT, Individually and  
on behalf of the wrongful death heirs of  
Martha Ruth Nixon, deceased

PLAINTIFF

vs.

CIVIL ACTION NO. 2012-304

INVACARE CORPORATION,  
ABC, and DEF

DEFENDANTS

---

COMPLAINT

---

COMES NOW Charlene Pruitt individually and on behalf of the wrongful death beneficiaries of Martha Ruth Nixon, deceased, files this her Complaint against Defendants Invacare Corporation, ABC, and DEF, as follows:

I.

Plaintiff Charlene Pruitt is an adult resident citizen of Jasper County, Mississippi, and she brings this civil action on behalf of the wrongful death statutory beneficiaries of Martha Ruth Nixon, deceased ("Nixon").

II.

Defendant Invacare Corporation, is a non-resident corporation with its principal place of business located in Elyria, Ohio, which has appointed CT Corporation System, 1300 East Ninth Street, Cleveland, Ohio 44114 as its agent for service of process.

Defendants ABC and DEF are entities/individuals responsible for the design, manufacture, distribution, and sale of the bed described herein. The true identities of ABC and DEF are unknown at this time. Once the identities of ABC and DEF are discovered, their names will be substituted herein in accordance with the Mississippi Rules of Civil Procedure.

FILED

OCT 26 2012

SMITH CO. CIRCUIT CLERK

III.

On or about October 30, 2009, Ms. Nixon was utilizing an Invacare homecare bed ("bed") when her head became lodged between the guardrail and bed thereby asphyxiating Ms. Nixon and causing her untimely death. The bed was designed, manufactured, distributed, and sold by Defendants Invacare, ABC, and DEF.

IV.

The bed was, at the time it left the control of the Defendants and at the time it was utilized by Ms. Nixon, a defective product, unreasonably dangerous for the use for which it was intended; and therefore, the Defendants are strictly liable for the injuries and damages to the Plaintiff as set forth below under the doctrine of strict liability in tort and pursuant to Mississippi Code Annotated §11-1-63, to the extent that provision applies to this action. Further, the Defendants were negligent in the design, manufacture, distribution, and sale of the bed in question. Additionally, the Defendants breached warranties, both expressed and implied. Finally, the Defendants are also liable to the Plaintiff pursuant to the doctrine of *res ipsa loquitur*.

V.

In the addition to the foregoing, the bed failed to contain adequate warnings or instructions. At the time the bed left the control of the Defendants, the Defendants knew or should have known about the defects and dangerous condition of the bed and that the ordinary user would not realize the defect or dangerous condition. Finally, the warnings or instructions were inadequate in that the Defendants failed to communicate or otherwise provide sufficient information regarding the dangers and safe uses of the bed taking into account the characteristics of and ordinary knowledge common to an individual utilizing such a bed.

VI.

As a direct and proximate result of the negligence, strict liability, breach of warranties, failure to adequately warn or instruct, and other errors and omissions of the Defendants, Ms. Nixon was killed on October 30, 2009. The Plaintiff is entitled to recover, on behalf of the wrongful death beneficiaries, all damages provided for by Mississippi Code Annotated § 11-7-13, including damages for loss of enjoyment for life.

VII.

The conduct of the Defendants with regard to the design, manufacture, distribution, and sale of the bed constitutes gross negligence which evidences a willful, wanton, or reckless disregard for the safety of others, such that the Plaintiff is entitled to punitive damages of and from the Defendants pursuant to Miss. Code Ann. § 11-1-65.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Charlene Pruitt, individually and on behalf of the wrongful death beneficiaries of Martha Ruth Nixon, deceased, files this her Complaint against Defendants Invacare Corporation, ABC, and DEF, and demands judgment in the sum that will reasonably compensate the wrongful death statutory beneficiaries of Martha Ruth Nixon for all of the actual damages. Plaintiff further demands punitive damages of and from the Defendants in an amount sufficient to deter similar conduct in the future. Plaintiff demands pre-judgment and post-judgment interest, attorney's fee, and all costs of this Court.

Respectfully submitted,

CHARLENE PRUITT, INDIVIDUALLY  
AND ON BEHALF OF THE WRONGFUL  
DEATH BENEFICIARIES OF MARTHA  
RUTH NIXON, DECEASED

BY:

  
CRYMES M. PITTMAN

OF COUNSEL:

CRYMES M. PITTMAN, MSB# 99225  
PITTMAN, GERMANY, ROBERTS & WELSH, LLP  
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Jackson, Mississippi 39225-2985  
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Facsimile: (601) 948-6187

EUGENE C. TULLOS, MSB# 8302  
TULLOS AND TULLOS  
Post Office Box 74  
Raleigh, Mississippi 39153  
Telephone: (601) 782-4242  
Facsimile: (601) 782-4212



**PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.**

ATTORNEYS AT LAW  
410 SOUTH PRESIDENT STREET  
JACKSON, MISSISSIPPI 39201

TELEPHONE: (601) 948-6200  
FACSIMILE: (601) 948-6187

CRYMES G. PITTMAN  
ROBERT G. GERMANY  
JOSEPH E. ROBERTS, JR.  
C. VICTOR WELSH, III  
CRYMES M. PITTMAN

P. O. BOX 22985  
JACKSON, MS 39225-2985

Writer's email: [cmp@pgrwlaw.com](mailto:cmp@pgrwlaw.com)

October 26, 2012

**Via Hand Delivery**

Anthony Grayson, Clerk  
Smith County Circuit Court  
Raleigh, Mississippi

RE: *Charlene Pruitt, Individually and on behalf of the Wrongful Death Beneficiaries of Martha Ruth Nixon, Deceased vs. Invacare Corporation, ABC and DEF*; In the Circuit Court of Smith County, Mississippi

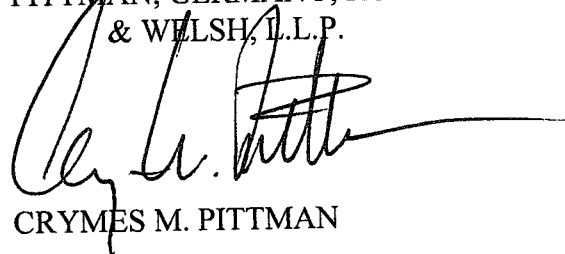
Dear Mr. Grayson:

Enclosed please find the originals and one copy each of the Complaint, civil cover sheet, and this firm's check in the amount of \$160.00 representing the filing fee in this matter. Also enclosed are the original and one copy of the Summons which I asked be issued and returned to me.

I appreciate your assistance and ask that you let me know if you have any questions or need anything further.

Yours very truly,

PITTMAN, GERMANY, ROBERTS  
& WELSH, L.L.P.



CRYMES M. PITTMAN

CMP:jlmm

Enclosures

cc: Eugene C. Tullos, Esquire, w/enclosures



**IN THE CIRCUIT COURT OF SMITH COUNTY, MISSISSIPPI**

**CHARLEEN PRUITT, Individually and  
on behalf of the wrongful death heirs of  
Martha Ruth Nixon, deceased**

**PLAINTIFF**

**vs.**

**CIVIL ACTION NO.2012-304**

**INVACARE CORPORATION,  
ABC, and DEF**

**DEFENDANTS**

---

**FIRST AMENDED COMPLAINT**

---

COMES NOW Charleen Pruitt individually and on behalf of the wrongful death beneficiaries of Martha Ruth Nixon, deceased, files this her First Amended Complaint against Defendants Invacare Corporation, ABC, and DEF, as follows:

**I.**

Plaintiff Charleen Pruitt is an adult resident citizen of Jasper County, Mississippi, and she brings this civil action on behalf of the wrongful death statutory beneficiaries of Martha Ruth Nixon, deceased ("Nixon").

**II.**

Defendant Invacare Corporation, is a non-resident corporation with its principal place of business located in Elyria, Ohio, which has appointed CT Corporation System, 1300 East Ninth Street, Cleveland, Ohio 44114 as its agent for service of process.

Defendants ABC and DEF are entities/individuals responsible for the design, manufacture, distribution, and sale of the bed described herein. The true identities of ABC and DEF are unknown at this time. Once the identities of ABC and DEF are discovered, their names will be substituted herein in accordance with the Mississippi Rules of Civil Procedure.

**FILED**

**JAN 22 2013**

**SMITH COUNTY CIRCUIT COURT**

### III.

On or about October 30, 2009, Ms. Nixon was utilizing an Invacare homecare bed ("bed") when her head became lodged between the bedrail and bed thereby asphyxiating Ms. Nixon and causing her untimely death. The bed utilized component parts including the bedrails and an air mattress which were designed and manufactured by Defendants, Invacare, ABC and DEF. The bed is model number 5490IVC and its component parts are 5000IVC, 5301IVC, and 5410IVC/MO14773. The bed bears serial number IVC05H217580. The bed was designed, manufactured, distributed, and sold by Defendants Invacare, ABC, and DEF.

### IV.

The bed, including the bedrails, air mattress, and component parts referenced above were defective rendering the bed unreasonably dangerous. The defects include, but are not limited to the following:

- 1) The size and location of the openings within the bedrail itself, the shape of the bedrail at the ends, the closest of the fit between the bedrail and the frame; and the area between the bedrail and mattress on the bed created the risk of lethal entrapment.
- 2) The use of the air mattress in conjunction with a bed or bedrail that already allows for entrapment risks, the risk is enhanced in so far as the air mattress alters the geometry of the bed and because air mattresses and because of the soft edges within the air mattresses.

### V.

The bed was, at the time it left the control of the Defendants and at the time it was utilized by Ms. Nixon, a defective product, unreasonably dangerous for the use for which it was intended;

and therefore, the Defendants are strictly liable for the injuries and damages to the Plaintiff as set forth below under the doctrine of strict liability in tort and pursuant to Mississippi Code Annotated §11-1-63, to the extent that provision applies to this action. More specifically, the bed and its component parts were designed and manufactured in such a manner that an individual like Ms. Nixon could become trapped in the bedrail or between the rail and the bed causing injuries and/or asphyxiation and death rendering the bed defective and unreasonably dangerous for the use in which it was intended. Further, the Defendants were negligent in the design, manufacture, distribution, and sale of the bed in question in that the bed and its component parts could cause injuries or death when an individual, such as Ms. Nixon, became trapped in the rail and/or between the bed and rail. Additionally, the Defendants breached warranties, both expressed and implied. Finally, the Defendants are also liable to the Plaintiff pursuant to the doctrine of *res ipsa loquitur*.

## VI.

In the addition to the foregoing, the bed failed to contain adequate warnings or instructions. Specifically, the Defendant's bed failed to warn an end user, such as Ms. Nixon, of the dangers of entrapment which could result in injury or death from asphyxiation. At the time the bed left the control of the Defendants, the Defendants knew or should have known about the defects and dangerous condition of the bed and that the ordinary user would not realize the defect or dangerous condition. Finally, the warnings or instructions were inadequate in that the Defendants failed to communicate or otherwise provide sufficient information regarding the dangers and safe uses of the bed taking into account the characteristics of and ordinary knowledge common to an individual utilizing such a bed.

**VII.**

As a direct and proximate result of the negligence, strict liability, breach of warranties, failure to adequately warn or instruct, and other errors and omissions of the Defendants, Ms. Nixon suffered an untimely death on October 30, 2009. The Plaintiff is entitled to recover, on behalf of the wrongful death beneficiaries, all damages provided for by Mississippi Code Annotated §11-7-13, including damages for loss of enjoyment for life.

**VIII.**

The conduct of the Defendants with regard to the design, manufacture, distribution, and sale of the bed constitutes gross negligence which evidences a willful, wanton, or reckless disregard for the safety of others, such that the Plaintiff is entitled to punitive damages of and from the Defendants pursuant to Miss. Code Ann. §11-1-65.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Charleen Pruitt, individually and on behalf of the wrongful death beneficiaries of Martha Ruth Nixon, deceased, files this her First Amended Complaint against Defendants Invacare Corporation, ABC, and DEF, and demands judgment in the sum that will reasonably compensate the wrongful death statutory beneficiaries of Martha Ruth Nixon for all of the actual damages. Plaintiff further demands punitive damages of and from the Defendants in an amount sufficient to deter similar conduct in the future. Plaintiff demands pre-judgment and post-judgment interest, attorney's fee, and all costs of this Court.

Respectfully submitted,

CHARLEEN PRUITT, INDIVIDUALLY  
AND ON BEHALF OF THE WRONGFUL  
DEATH BENEFICIARIES OF MARTHA  
RUTH NIXON, DECEASED

BY:

  
CRYMES M. PITTMAN

OF COUNSEL:

CRYMES M. PITTMAN, MSB# 99225  
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Email: [genetullos@tullosandtullosc.om](mailto:genetullos@tullosandtullosc.om)

IN THE CIRCUIT COURT OF THE SMITH COUNTY, MISSISSIPPI

CHARLEEN PRUITT, Individually and  
on behalf of the wrongful death heirs of  
Martha Ruth Nixon, deceased

PLAINTIFF

vs.

CIVIL ACTION NO. 2012-304

INVACARE CORPORATION, and  
ABC, and DEF

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

INVACARE CORPORATION  
c/o CT Corporation System, as registered agent  
1300 East Ninth Street  
Cleveland, Ohio 44114

NOTICE TO DEFENDANT

The First Amended Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the Complaint.

DATED this the 22nd day of January, 2013.

ANTHONY GRAYSON, CIRCUIT CLERK

BY: Cara Bunn D.C.

CRYMES M. PITTMAN, MSB # 99225  
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.  
Post Office Box 22985  
Jackson, Mississippi 39225-2985  
Telephone: 601-948-6200  
Email: cmp@pgrwlaw.com

FILED

FEB 07 2013

SMITH COUNTY CIRCUIT COURT

## IN THE CIRCUIT COURT OF SMITH COUNTY, MISSISSIPPI

CHARLEEN PRUITT, Individually and  
on behalf of the wrongful death heirs of  
Martha Ruth Nixon, deceased

PLAINTIFF

vs.

CIVIL ACTION NO.2012-304

INVACARE CORPORATION,  
ABC, and DEF

DEFENDANTS

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <u>James Wright</u> <input type="checkbox"/> Agent</p> <p><input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>CT Corporation System</u></p> <p><u>1300 East 9th Street</u></p> <p><u>Cleveland, Ohio 44114</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes</p> <p>If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>FEB 1 2013</p>
<p>1. Article Addressed to:</p> <p><b>CT Corporation System, as registered agent for Invacare Corporation 1300 East Ninth Street Cleveland, OH 44114</b></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p>7012 1010 0002 8129 7555</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	